

THE WOODLANDS TOWNSHIP

BOARD OF DIRECTORS

REGULAR BOARD MEETING

AUGUST 24, 2011

MINUTES

THE STATE OF TEXAS §

COUNTIES OF HARRIS & MONTGOMERY §

The Board of Directors of The Woodlands Township met in regular session, open to the public, on August 24, 2011, posted to begin at 6:00 p.m. The meeting was held in a meeting room at the office of The Woodlands Township, Service Center, 2201 Lake Woodlands Drive, The Woodlands, Texas, within the boundaries of The Woodlands Township.

DIRECTORS PRESENT: Chairman Bruce Tough, Vice Chairman Lloyd Matthews, Secretary Claude Hunter, Treasurer Ed Robb, and Director Tom Campbell

DIRECTORS ABSENT: Director Nelda Blair and Director Peggy Hausman

STAFF/ADVISORS: Don Norrell, President/General Manager, Monique Sharp, Assistant General Manager of Finance & Administration, Fire Chief Alan Benson, Susan Welbes, Director of Human Resources, Nick Wolda, Director of Community Relations/CVB President, Miles McKinney, Legislative Affairs & Transportation Manager, Karen Dempsey, Management Analyst, Mary Connell, Community Relations Manager, Mike Page and Bret Strong, Legal Counsel

PLEDGE OF ALLEGIANCE:

Director Campbell led the Pledge of Allegiance to the United States flag and Texas State flag.

CALL TO ORDER:

Chairman Tough called the meeting to order at 6:00 p.m. and declared that notice of this meeting was posted 72 hours in advance at the Courthouses of Montgomery and Harris Counties and inside the boundaries of The Woodlands Township at the office building located at 2201 Lake Woodlands Drive, The Woodlands, Texas. As there was a quorum of members present, the Board proceeded to conduct business regarding the following matters.

CONSIDER AND ACT UPON ADOPTION OF MEETING AGENDA:

Chairman Tough called for a motion and second to adopt the meeting agenda.

Board of Directors
Regular Board Meeting
August 24, 2011

MOTION: Motion to adopt the agenda by Treasurer Robb; second by Secretary Hunter

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Campbell

Nays: None

Abstentions: None

Absent: Director Blair
 Director Hausman

ACTION: Motion passed unanimously (5-0).

RECOGNIZE PUBLIC OFFICIALS:

Chairman Tough recognized the following individuals:

- Ron Kostelny-Municipal Utility District #60
- Stuart Schroeder-President, Cochran's Crossing Village Association
- Steve Leakey-President, Alden Bridge Village Association
- Anthony Fasone-Former WCA Board of Directors

The Public Official's Sign-In Sheet is attached hereto as Exhibit "A".

PUBLIC COMMENT:

- Randy Bradley-President, The Woodlands Running Club spoke in favor of the agreement with The Woodlands Marathon

The Public Comment Roster is attached hereto as Exhibit "B".

RECEIVE AND CONSIDER THE LAW ENFORCEMENT REPORT FROM DIRECTOR OF LAW ENFORCEMENT, MARIAN LECK:

Marian Leck presented the following law enforcement report:

- **Montgomery County Sheriff's Office Staffing (MCSO):**
All positions have been filled.
- **Harris County Constable's Office-Precinct 4:**
Lt. Ronnie Glaze and Deputy Constable Mike Ruby reported no major incidents.
- **Crime Status and Trends:**
Detective Brent Akin gave an update on break- ins of habitation and subsequent arrests.
- **Police-Community Partnership:**
"Watch Talk Wednesday"-August 24 presentation on drugs in schools and what parents need to be aware of
- **Overtime Programs:**
Tax free week-end
- **Other:**
A & O Mounted Patrol helped locate a mentally challenged young man;
Crime Prevention, Community & Tourism Oriented Policing class September 12-16;
Public Safety Awards Ceremony-September 10, 2011;
Law Enforcement Advisory Committee-Sgt. Brice Herring with MCSO and Art Solinas with the County Commissioners' Office presented information on traffic

Board of Directors
Regular Board Meeting
August 24, 2011

RECEIVE AND CONSIDER REPORTS FROM VILLAGE ASSOCIATION (VA) REPRESENTATIVES:

Reports were provided by the following Village Association (VA) representatives:

Alden Bridge VA-Steve Leakey reported that Sgt. Paul Cassidy gave a law enforcement report; guest speakers Commissioners Doyle and Chance provided information on street extensions and future plans for the Montgomery County Animal Shelter; next month's guest speaker will be Chris Nunes, Director of Parks & Recreation for The Woodlands Township; Directors Campbell and Hunter attended meeting and provided information on things happening in The Woodlands

Cochran's Crossing VA-Stuart Schroeder reported that Sgt. Paul Cassidy gave a law enforcement report and provided some crime prevention tips; discussing and planning for the Fall Festival to be held October 30 from 1-4 p.m. at Shadowbend Park; looking for volunteers to help with the Fall Flea Market on September 17; Mr. Schrader gave a report on the 242/I-45 flyover project; farewell to Nancy Becker, outgoing President of the VA; Marti Meerscheidt has been appointed to fill the unexpired VP position formerly held by Mr. Schroeder

Sterling Ridge VA-Anthony Fasone reported that residents have expressed concerns regarding the new CISD bus routes; firefighters from Fire Station #5 made a presentation; Board allocated \$35 to join and partner with Lonestar Animal Welfare League, formerly known as The Woodlands Dog Park Club; BBQ Challenge will be held September 17 from 10-2 at Cranebrook Park

Indian Springs VA-Lloyd Matthews reported that "Taste of the Village" will be held on October 22, 2011 from 12-4 p.m.; Tom Pisula, developer of site next to Indian Springs Shopping Center discussed plans for development of a medical office complex

College Park VA-No report

Grogan's Mill VA-No report

Panther Creek VA-No report

Creekside Park VA-No report

The Village Association Representatives' Sign-In Sheet is attached hereto as Exhibit "C".

CONSENT AGENDA:

(This agenda consists of non-controversial or "housekeeping" items required by law that will be placed on the Consent Agenda at the next Board Meeting and may be voted on with one motion. Items may be moved from the Consent Agenda to the Regular Agenda by any Board Member making such request.)

CONSIDER AND ACT UPON THE CONSENT AGENDA:

- (a) Approve minutes of the July 21, 2011 Board Workshop, July 26, 2011 Special Board Budget Workshop, July 27, 2011 Regular Board Meeting, July 27, 2011 Town Hall Meeting, July 28, 2011 Special Board Budget Workshop, July 29, 2011 Special Board Budget Workshop, and August 2, 2011 Special Board Budget Workshop of the Board of Directors of The Woodlands Township;
- (b) Approve the addition to the Park and Pathway Maintenance Agreement with BIO Landscape & Maintenance, Inc. for Timmaron Park multi-purpose field in the amount of \$5,068.80 per year and authorize the President/General Manager to execute the agreement;

Board of Directors
Regular Board Meeting
August 24, 2011

- (c) Approve the Mutual Aid Agreement between Montgomery County, TX and The Woodlands Township as substantially presented and authorize the Chairman of the Board to execute the agreement upon final form;
- (d) Approve the Interlocal Agreement with Montgomery County and the Resolution requesting the driveway construction on Research Forest and authorize the President/General Manager to execute the Interlocal Agreement and authorize the President/General Manager to execute any further Resolutions for the repair and maintenance of any street within the Township deemed necessary by the President/General Manager;
- (e) Adopt Resolution No. 019-11 asking Texas Department of Transportation to deny the driveway application of TexCom Gulf, LLC that would allow connection of their project site to FM 3083 in Montgomery County; direct staff to file the Resolution with the Montgomery County Office of the Department of Transportation.

Chairman Tough then called for a motion and second to approve the Consent Agenda as presented. Board discussion followed.

MOTION: Motion by Treasurer Robb to approve the Consent Agenda; second by Vice Chairman Matthews

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Campbell
Nays: None
Abstentions: None
Absent: Director Blair
 Director Hausman

ACTION: Motion passed unanimously (5-0).

Minutes, Resolutions and Executive Summaries for Consent Agenda items are attached hereto collectively as Exhibit "C".

REGULAR AGENDA:

RECEIVE, CONSIDER AND ACT UPON THE FINANCIAL REPORT:

Monique Sharp presented the Financial Report and referred the Board to handout material containing the preliminary General Purpose Statements as of and for the seven months ended July 31, 2011. After a review of the combined Financial Statements and Monthly Investment Report, a report on the General Fund Budget vs. Actual was presented. Ms. Sharp then reported on sales tax collections, hotel occupancy tax collections, and property tax collections. Board discussion followed. Chairman Tough then called for a motion and second to approve the Financial Report.

MOTION: Motion by Director Campbell to approve the Financial Report; second by Vice Chairman Matthews

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Campbell
Nays: None

Board of Directors
 Regular Board Meeting
 August 24, 2011

Abstentions: None
Absent: Director Blair
Director Hausman

ACTION: Motion passed unanimously (5-0).

The Financial Report is attached hereto as Exhibit "D".

RECEIVE, CONSIDER AND ACT UPON IMPLEMENTATION OF A FARE SYSTEM FOR RIDERS OF THE WOODLANDS TOWNSHIP TROLLEY SYSTEM;

MOTION: Motion by Treasurer Robb to not implement a fare for riders of The Woodlands Township Trolley system; second by Vice Chairman

Miles McKinney then provided a summary of this item as outlined in an Executive Summary. Mr. McKinney also provided the Board with a memorandum from Barry Goodman, The Goodman Corporation. Mr. Goodman was asked to review current Federal and State requirements related to fare policy and the impact of implementing a fare system. Federal Transportation Administration (FTA) representatives from the Regional Office in Fort Worth confirmed that there is nothing in federal law, FTA regulations, or Best Practices, that require the imposition of a fare. Mr. Goodman also advised that the "District" and The Woodlands Township Board carefully consider the need for a transit fare for existing service and future expansion. Board discussion followed. Following discussion, the Board voted on the motion as stated above.

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Campbell
 Nays: None
 Abstentions: None
 Absent: Director Blair
 Director Hausman

ACTION: Motion passed (5-0).

The Executive Summary and Memorandum for the above item are attached hereto, respectively, as Exhibit "E".

RECEIVE, CONSIDER AND ACT UPON A REQUEST TO CHANGE THE WATERWAY CRUISERS FUNDING AGREEMENT TO LIMIT FUNDING FOR WATERWAY CRUISER RENOVATION TO \$150,000;

Monique Sharp presented this item and stated that in July 2010 the concept of the Waterway Cruiser Program was discussed and a funding source was identified in the form of a one percent supplemental hotel room tax that was projected to generate \$500,000. In October 2010 a series of agreements was developed, one being a Funding Agreement that would allow \$500,000 to be used to offset any documented operating deficits for the Waterway Cruiser Program and to fund renovations to the equipment, that being the Waterway Cruisers, over a five year period. Ms. Sharp noted that if the Township Board decided to amend the funding agreement then this item would also need to be brought to the Convention & Visitors Bureau Board for approval.

Board of Directors
Regular Board Meeting
August 24, 2011

Following Ms. Sharp's presentation, a motion and second on the item was made followed by Board discussion.

MOTION: Motion by Director Campbell to change the Waterway Cruiser Funding Agreement to limit the funding for Waterway Cruiser renovations to \$150,000 for this year; second by Secretary Hunter on the condition that any spending in excess of \$150,000 come back to The Woodlands Township Board for justification and approval. Director Campbell accepted the added condition.

VOTE: **Ayes:** Director Campbell
 Secretary Hunter
 Nays: Chairman Tough
 Vice Chairman Matthews
 Treasurer Robb
 Abstentions: None
 Absent: Director Blair
 Director Hausman

ACTION: Motion failed (2-3).

RECEIVE, CONSIDER AND ACT UPON A FIRST AMENDMENT TO THE RECIPROCAL PARKING EASEMENT AGREEMENT WITH FIRST BAPTIST CHURCH OF THE WOODLANDS;

John Powers provided a summary of this item as outlined in an Executive Summary. Mr. Powers informed the Board that the award of bid and add alternates for the Sawmill Park renovation will be presented to the Board in October or November. At that time, the Board will determine where the \$50,000 for the cost of the parking lot will come from. Following Mr. Powers' presentation, the Chair called for a motion and second. Board discussion followed.

MOTION: Motion by Treasurer Robb to approve the First Amendment to the Reciprocal Parking Easement Agreement with First Baptist Church of The Woodlands; second by Secretary Hunter

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Campbell
 Nays: None
 Abstentions: None
 Absent: Director Blair
 Director Hausman

ACTION: Motion passed unanimously (5-0).

The Executive Summary for the above item is attached hereto as Exhibit "F".

RECEIVE, CONSIDER AND ACT UPON A RECOMMENDATION FROM THE AUDIT COMMITTEE REGARDING ACCEPTANCE OF THE 2010 AUDIT REPORT;

Ms. Sharp gave a status report on this item and informed the Board that the Audit Committee recommended deferring this item until the September meeting as the Audit Report is only in draft form at this stage. The final Audit Report will be ready to present in September.

Board of Directors
Regular Board Meeting
August 24, 2011

SUPPLEMENTAL AGENDA:

CONSIDER AND ACT UPON ADOPTING ORDER NO. 016-11 CALLING AN ELECTION ON THE ADOPTION OF THE STATE LAW ON COLLECTIVE BARGAINING FOR FIREFIGHTERS;

Chairman Tough referred the Board to a Supplemental Agenda item and then called on Mike Page to present this item. Mr. Page referred the Board to a draft Order Calling an Adoption Election and informed the Board that the YMCA at Creekside Village has been secured as the early voting location for the Harris County section of The Woodlands, but that it will not be available for early voting on Saturday, October 29, 2011. Order No. 016-11 will be revised to reflect this change. Following Mr. Page's presentation, the Chair called for a motion and second followed by Board discussion.

MOTION: Motion by Vice Chairman Matthews to adopt Order No. 016-11 calling an election on the adoption of the state law on collective bargaining for firefighters as modified above; second by Secretary Hunter

VOTE:

Ayes: Chairman Tough
Vice Chairman Matthews
Secretary Hunter
Treasurer Robb
Director Campbell

Nays: None

Abstentions: None

Absent: Director Blair
Director Hausman

ACTION: Motion passed unanimously (5-0).

Order No. 016-11 is attached hereto as Exhibit "G".

RECEIVE, CONSIDER AND ACT UPON FUNDING TO UPDATE THE EXISTING ADVANCED PLANNING AND ENVIRONMENTAL REPORT FOR THE PROPOSED INTERMODAL TRANSIT/PARKING FACILITY;

Miles McKinney provided a summary of this item as outlined in an Executive Summary. Mr. McKinney referred the Board to a memorandum from Barry Goodman, The Goodman Corporation, seeking Township Board approval of \$20,000 as its share of the estimated \$80,000 terminal Preliminary Engineering/Environmental Assessment (PE/EA) update cost. Other stakeholders sharing equally in the project cost include: Mitchell Family Interests, The Woodlands Land Development Company, and The Brazos Transit District. Following Mr. McKinney's presentation, the Chair called for a motion and second on this item. Board discussion followed.

MOTION: Motion by Vice Chairman Matthews to approve The Woodlands Township's share of cost, not to exceed \$20,000, for updating the PE/EA report for the transit terminal/parking garage and that the President/General Manager be authorized to execute an agreement, on behalf of The Woodlands Township, with The Goodman Corporation for services necessary to accomplish the update; second by Treasurer Robb

VOTE:

Ayes: Chairman Tough
Vice Chairman Matthews
Secretary Hunter
Treasurer Robb

Nays: Director Campbell

Abstentions: None

Board of Directors
Regular Board Meeting
August 24, 2011

Absent: Director Blair
Director Hausman

ACTION: Motion passed (4-1).

The Executive Summary for the above item and Memorandum are attached hereto, respectively, as Exhibit "H".

CONSIDER AND ACT UPON APPROVAL OF AND PAYMENT FOR A WORKERS' COMPENSATION INSURANCE PROPOSAL, INCLUDING ANY REQUIRED INTERLOCAL AGREEMENT;

Susan Welbes provided a summary of this item as outlined in an Executive Summary. Ms. Welbes reviewed the quotes received from two insurers who submitted proposals. Ms. Welbes then recommended that the Board select Texas Mutual Insurance Company as the workers' compensation provider for The Woodlands Township and The Woodlands Fire Department. Following Ms. Welbes' presentation, the Chair called for a motion and second. Board discussion followed.

MOTION: Motion by Secretary Hunter to select Texas Mutual Insurance Company as the workers compensation insurance provider for The Woodlands Township and The Woodlands Fire Department for the period from September 12, 2011 through September 12, 2012; authorize the President/General Manager to bind coverage for this insurance at an annual cost of \$266,740.00; second by Director Campbell

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Campbell

Nays: None

Abstentions: None

Absent: Director Blair
 Director Hausman

ACTION: Motion passed (5-0).

The Executive Summary for the above item is attached hereto as Exhibit "I".

RECEIVE, CONSIDER AND ACT UPON AN AGREEMENT WITH THE WOODLANDS MARATHON;

John Powers provided a summary of this item as outlined in an Executive Summary. Mr. Powers noted revisions to the agreement regarding future dates for the event and allocation of donation money. Following Mr. Powers' presentation, the Chair called for a motion and second. Board discussion followed.

MOTION: Motion by Vice Chairman Matthews to approve the Host Venue Sponsorship Agreement with The Woodlands Marathon Management, LLC and to authorize the President/General Manager to execute the agreement; second by Secretary

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Campbell

Nays: None

Abstentions: None

Absent: Director Blair

Board of Directors
Regular Board Meeting
August 24, 2011

Director Hausman

ACTION: Motion passed (5-0).

The Executive Summary for the above item is attached hereto as Exhibit "J".

RECEIVE, CONSIDER AND ACT UPON APPROVAL OF A CONCEPTUAL DESIGN FOR CENTRAL FIRE STATION:

Chief Benson requested that the Board not act on this item at this time in order to give the architect, Carl Joiner Partnership, Inc. additional time to incorporate some of the Board's suggestions into the design of Central Fire Station. Chief Benson informed the Board that two design options will be presented at next month's meeting.

MOTION: Motion by Secretary Hunter to table this item; second by Vice Chairman

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Campbell

Nays: None

Abstentions: None

Absent: Director Blair
 Director Hausman

ACTION: Motion passed (5-0).

RECEIVE, CONSIDER AND ACT UPON APPROVAL OF UTILIZATION OF A CONSTRUCTION MANAGER AT RISK PROCESS FOR THE RECONSTRUCTION OF CENTRAL FIRE STATION:

MOTION: Motion by Secretary Hunter to approve utilizing the Construction Manager at Risk process for the construction of the Central Fire Station facility in the amount not to exceed \$7.1 M; second by Vice Chairman Matthews. Board discussion followed.

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Campbell

Nays: None

Abstentions: None

Absent: Director Blair
 Director Hausman

ACTION: Motion passed (5-0).

The Executive Summary for this item is attached hereto as Exhibit "K".

CLOSED MEETING (IF APPLICABLE):

RECESS TO EXECUTIVE SESSION TO DISCUSS MATTERS RELATING TO REAL PROPERTY PURSUANT TO §551.072, TEXAS GOVERNMENT CODE; DELIBERATION OF ECONOMIC DEVELOPMENT NEGOTIATIONS PURSUANT TO §551.087, DISCUSS PERSONNEL MATTERS PURSUANT TO §551.074; TEXAS GOVERNMENT CODE, AND TO CONSULT WITH THE

Board of Directors
Regular Board Meeting
August 24, 2011

WOODLANDS TOWNSHIP'S ATTORNEY CONCERNING PENDING LITIGATION PURSUANT TO §551.071. TEXAS GOVERNMENT CODE;

Chairman Tough announced that there was no need for Executive Session.

RECEIVE, CONSIDER AND ACT UPON AGREEMENTS WITH LAKE WOODLANDS PROPERTY OWNERS ASSOCIATION;

Chairman Tough called on Don Norrell to present this item. Mr. Norrell referred the Board to handout material and then reviewed specifics of two agreements with Lake Woodlands Property Owners Association: Second Amended Lake Woodlands Agreement and Lake Service Agreement. Board discussion followed. Following Mr. Norrell's presentation, the Chair called for a motion and second.

MOTION: Motion by Vice Chairman Matthews to approve the Second Amended Lake Woodlands Agreement and Lake Service Agreement with Lake Woodlands Property Owners Association; second by Treasurer Robb

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Campbell

Nays: None

Abstentions: None

Absent: Director Blair
 Director Hausman

ACTION: Motion passed (5-0).

Handout material is attached hereto as Exhibit "L".

CONSIDERATION OF ITEMS TO BE PLACED ON THE AGENDA FOR NEXT MONTH'S MEETING;

- None

BOARD ANNOUNCEMENTS;

- None

PUBLIC COMMENT; AND

The following member of the public addressed the Board:

- Steve Leahey-complimented staff and Board for their work on the budget

ADJOURNMENT:

As there was no further business to discuss, Chairman Tough called for a motion and second to adjourn the meeting at 7:30 p.m.

MOTION: Motion by Treasurer Robb; second by Director Campbell

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews

Board of Directors
Regular Board Meeting
August 24, 2011

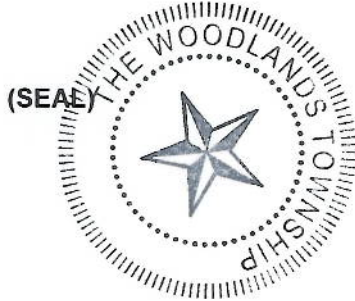
Secretary Hunter
Treasurer Robb
Director Campbell

Nays: None

Abstentions: None

Absent: Director Blair
Director Hausman

ACTION: Motion passed unanimously (5-0).



A handwritten signature in blue ink, which appears to read "Claude Hunter", is written over a horizontal line.

Claude Hunter
Secretary, Board of Directors

EXHIBIT OMISSIONS*

EXHIBIT "A"
EXHIBIT "B"
EXHIBIT "C"
EXHIBIT "D"
EXHIBIT "E"
EXHIBIT "F"
EXHIBIT "G"
EXHIBIT "H"
EXHIBIT "I"
EXHIBIT "J"
EXHIBIT "K"
EXHIBIT "L"

***To view Exhibits, please contact the Records Management Analyst at 281-210-3800.**